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December 5, 2006

The Honorable Kent A. Jordan
United States District Court
844 King Street
Wilmington, DE 19801

VIA ELECTRONIC FILING

Re: In re '318 Patent Infringement Litigation,
Civil Action No. 05-356-KAJ (Consolidated)

Dear Judge Jordan:

Plaintiffs recently learned that the business day after Plaintiffs filed their Motion for Partial Summary Judgment Regarding Anticipation Under 35 U.S.C. § 102 (D.I. 318), the Court of Appeals for the Federal Circuit handed down the attached opinion vacating this Court's decision in *Impax Labs. v. Aventis Pharms., Inc.*, 235 F. Supp.2d 390 (D. Del. 2001), which Plaintiffs cited in their opening brief. While Plaintiffs do not believe that this recent appellate decision affects their motion, as the decision was vacated on grounds other than those relied upon by Plaintiffs, we nevertheless submit it to ensure compliance with our duty of candor to the Court and to opposing counsel.

Respectfully,

/s/ Lauren E. Maguire

Lauren E. Maguire

LEM/dmf
Enclosure
175752.1

c John C. Phillips, Jr., Esquire (by hand; w/enc.)
Lynn M. Ulrich, Esquire (via electronic mail; w/enc.)
Frederick L. Cottrell, III, Esquire (by hand; w/enc.)
Alan H. Bernstein, Esquire (via electronic mail; w/enc.)
Kurt G. Calia, Esquire (via electronic mail; w/enc.)